

1 F. Christopher Austin, Esq.
Nevada Bar No. 6559
2 *caustin@weidemiller.com*
WEIDE & MILLER, LTD.
3 10655 Park Run Drive, Suite 100
Las Vegas, NV 89144
4 Tel: (702) 382-4804
Fax: (702) 382-4805
5 *Attorneys for Plaintiffs*

6
7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 TISSUE REGENERATION
10 TECHNOLOGIES, LLC and GENERAL
PATENT, LLC,

11 Plaintiffs,

12 v.

13 MALE PERFORMANCE MEDICAL
14 PARTNERSHIP, LLC; MEDICAL
15 PARTNERSHIP, LLC; R. BAXTER
16 TEEGARDEN; LEONARD MESSINA;
17 RICHARD NEISWONGER a/k/a RICK
18 CHARLES; LAS VEGAS MALE
PERFORMANCE CLINIC; and PEAK
HEALTH GROUP LV LLC,

19 Defendants.

Case No.: 2:18-cv-1914

**STIPULATION AND ORDER FOR
EXTENSION OF TIME TO ANSWER
OR OTHERWISE RESPOND TO THE
COMPLAINT**

(Ninth Request)

20 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Rule 1A 6-1, Plaintiffs
21 Tissue Regeneration Technologies, LLC and General Patent, LLC, (collectively, "Plaintiffs") and
22 Defendants Male Performance Medical Partnership, LLC, Medical Partnership, LLC, Leonard
23 Messina, and Las Vegas Male Performance Clinic (collectively, the "Messina Defendants" or
24 "Defendants"), by and through their respective counsel of record, Weide & Miller, Ltd., on behalf
25 of Plaintiffs, and the Law Offices of Philip A. Kantor, P.C., appearing on behalf of the Messina
26 Defendants, hereby agree and stipulate for an extension of time for the Messina Defendants to file
27 and serve their answer or other responses to the Complaint from the current deadline of September
28 3, 2019, up to and including November 1, 2019. This is the ninth request by the parties for such

1 an extension.

2 Good cause for this request exists to provide the parties with time to continue in good faith
3 settlement discussions in this complex patent infringement litigation. On December 19, 2018,
4 former counsel for the Messina Defendants notified the Court that they had been terminated and
5 moved to withdraw as counsel. *See* ECF No. 17 (Howard & Howard Attorneys PLLC and
6 Jonathan W. Fountain's Motion to Withdraw as Counsel).

7 On or about January 3, 2019, the undersigned counsel for the Messina Defendants agreed
8 to be retained on the representations of the undersigned counsel for Plaintiffs that Plaintiffs would
9 agree to the prior order to permit the newly retained counsel for the Messina Defendants time to
10 assess the case before having to respond to the Complaint. Subsequent to that extension, the
11 undersigned counsel for the Messina Defendants commenced discussions with Plaintiffs' counsel
12 to explore the potential to resolve the matter.

13 On March 7, 2019, the Court granted the parties request to extend the deadline for
14 Defendants to respond to permit Plaintiffs' counsel to engage in discussions with subject matter
15 experts on issues related to the patents prior to requiring Defendants to answer or respond. *See*
16 ECF No. 27. While this was only the first extension since the Messina Defendant's retention for
17 their current counsel, it was the fourth request from the commencement of the action. The purpose
18 of that extension was to provide a window for the parties to continue settlement discussions. *Id.*

19 On March 27, 2019, the parties requested an additional extension to afford Plaintiff's
20 additional time to conclude discussions with subject matter experts and follow-up with counsel
21 for Defendants. That occurred, but at a date too near the present deadline to permit Defendants
22 to assess the same or for the parties to otherwise conclude negotiations.

23 On April 25, 2019, the parties again requested an additional extension through June 14,
24 2019 to allow time for the Defendants to answer or otherwise respond to the complaint to permit
25 Defendants to consult with their counsel on Plaintiffs' proposal and to thereafter continue to
26 engage in efforts to assess whether a resolution of the dispute could be achieved. *See* ECF No.
27 31. The additional time resulted in a further substantive analysis by Defendants, which Plaintiffs
28 are now considering. In the course of such consideration, on May 17, 2019, Plaintiffs filed their

1 First Amended Complaint. See ECF No. 32.

2 At the time of the June 14, 2019 deadline, the parties realized more time would be required,
3 but Plaintiffs' counsel was unable to obtain timely authorization of an extended deadline and,
4 consequently, agreed to a brief extension of the deadline for Defendants to answer or otherwise
5 respond to the Amended Complaint through June 28, 2019, which the Court "so ordered" on June
6 17, 2019. See ECF No. 36. The parties agreed to an extended deadline through September 3, 2019
7 with the expectation that they will be able to resolve the case within this time period.

8 The parties have yet to resolve the case, however, based on the due diligence involved and
9 the need to work out terms for settlement they have agreed to extend the time for Defendants to
10 answer or otherwise respond to the complaint to permit Defendants to consult with their counsel
11 on Plaintiffs' proposal and to thereafter continue to engage in efforts to assess whether a resolution
12 of the dispute can be achieved.

13 For the foregoing reasons, the parties hereby stipulate to extend the deadline for the
14 Messina Defendants to answer or otherwise respond to the Complaint from September 3, 2019,
15 to November 1, 2019.

16 DATED: August 29, 2019.

17 **IT IS SO AGREED AND STIPULATED:**


18 **WEIDE & MILLER, LTD.**

19 By: /s/ F. Christopher Austin
20 F. Christopher Austin, Esq.
21 Nevada Bar No. 6559
22 *caustin@weidemiller.com*
23 10655 Park Run Drive, Suite 100
24 Las Vegas, NV 89144
25 (702) 382-4804
26 *Attorneys for Plaintiffs*

LAW OFFICES OF PHILIP A. KANTOR, P.C.

By: /s/ Philip A. Kantor
Philip A. Kantor, Esq.
Nevada Bar No. 6701
prsak@aya.yale.edu
1781 Village Center Circle, Suite 120
Las Vegas, NV 89134
(702) 255-1300
Attorneys for Messina Defendants

27 **IT IS SO ORDERED:**

28 
UNITED STATES MAGISTRATE JUDGE
DATED: August 30, 2019